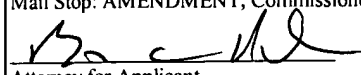


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on February 22, 2005.

  
Attorney for Applicant

PATENT  
File No. 1042.2.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Donald T. Comer	)
		)
Serial No.:	10/826,239	) Art Unit
		) #2819
Filed:	April 16, 2004	)
		)
For:	RESPONSE-BASED ANALOG-TO-DIGITAL	)
	CONVERSION APPARATUS AND METHOD	)
		)
Examiner:	Joseph Lauture	)

RESPONSE TO OFFICE ACTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Responsive to the communication from the Examiner mailed November 1, 2004,  
applicant is submitting a TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT in compliance with 37 CFR 1.321(c) as suggested by  
the Examiner during an interview on January 3, 2005. The corresponding document is included

herewith as well as the Terminal Disclaimer fee under 37 CFR 1.20(d) and the corresponding fee transmittal sheet.

In the event that the Examiner finds any remaining impediments to the prompt allowance of the above-referenced application which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

Respectfully submitted,



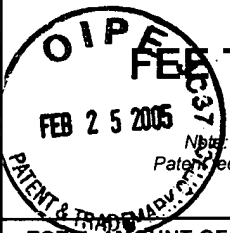
Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: February 21, 2005


Kunzler and Associates  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Telephone: (801) 994-4646  
FAX: (801) 531-1929

Please type a plus sign (+) inside this box → ☐Approved for use through 9/30/03. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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 <p><b>FEE TRANSMITTAL</b></p> <p><small>Note: Effective December 8, 2004. Patent fees are subject to annual revision.</small></p>		<b>Complete If Known</b>		
		Application Number	10/826,239	
		Filing Date	April 16, 2004	
		First Named Inventor	Donald T. Comer	
		Group Art Unit	2819	
		Examiner Name	Joseph J. Lauture	
TOTAL AMOUNT OF PAYMENT		\$ 125	Attorney Docket Number	1042.2.3

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																								
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account No.: _____  Deposit Account Name: _____  <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance  2. <input checked="" type="checkbox"/> Payment Enclosed:  <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	<b>3. 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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name		Brian C. Kunzler		Reg. Number	38,527
Signature				Date	Feb 3, 2005
				Deposit Account User ID	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington.